

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

**IN THE MATTER OF REOPENING AND
REVISING TITLE V AIR QUALITY PERMITS FOR**

**TARGA NORTHERN DELAWARE LLC
FRAC CAT COMPRESSOR STATION
NO. P288-M2**

AQB 23-70

AND

**TARGA NORTHERN DELAWARE LLC
BIG LIZARD COMPRESSOR STATION
NO. P289-M2**

AQB 23-71

NOTICE OF PUBLIC HEARINGS

The New Mexico Environment Department ("NMED") announces two public hearings (virtual and in person) to take evidence on reopened and revised operating permits for two (2) facilities located in Lea County pursuant to the New Mexico Air Quality Control Act, NMSA 1978, §§ 74-2-1 *et seq.* and Sections 401-405 of 20.2.70 NMAC – Operating Permits. The reopened and revised permits to be considered in these hearings are: (1) Frac Cat Compressor Station, which is located approximately 24.3 miles southeast of Loving, New Mexico, and (2) Big Lizard Compressor Station which is located approximately 28.0 miles northwest of Jal, New Mexico.

The two hearings will be held virtually via the WebEx platform on December 18, 2023. The first hearing will consider a reopened and revised draft operating permit for the Frac Cat Compressor Station and will begin at 9:00 A.M. MDT. The second hearing will consider a reopened and revised draft operating permit for the Big Lizard Compressor Station and will begin at 1:00PM.

For members of the public who wish to attend in person or who do not have access to a computer or an internet connection, the Department has reserved the conference room at the Carlsbad Field Office located at 406 N. Guadalupe, Suite C, Carlsbad, NM 88220 to allow personal attendance at the hearings. Members of the public can go to this location during the hearings to view and participate in the virtual hearings. A Department staff member will be available to assist the public to appear and participate at the hearings.

Additional information on how to join the hearings either via WebEx or at the Carlsbad Field Office is posted online in the NMED Calendar at www.env.nm.gov/events-calendar/. Go to the start date and click on the entry for the desired hearing for instructions.

**BRIEF DESCRIPTION OF THE REOPENED AND REVISED DRAFT PERMITS TO
BE CONSIDERED AT THE HEARINGS**

The Frac Cat and Big Lizard Compressor Stations are owned and operated by Targa Northern Delaware, LLC. Targa Northern Delaware, LLC's mailing address is 811 Louisiana, Suite 2100, Houston, Texas, 77002.

Both Frac Cat and Big Lizard have operating permits currently. The Frac Cat renewed operating permit was issued on April 16, 2022; the Big Lizard renewed operating permit was issued on July 29, 2022. Both operating permits are subject to an EPA Order issued November 16, 2022 that required certain changes to those permits ("EPA Order"). Those existing operating permits are being reopened and revised pursuant to Section 405 of 20.2.70 NMAC. Proceedings under 20.2.70.405 NMAC may only affect those sections of a permit for which cause to reopen exists. As such, these hearings will be limited to only those changes necessary to resolve the issues raised by the EPA Order, as further detailed below. Persons wishing to review the terms of the EPA Order may download it at: <https://www.env.nm.gov/public-notices/>--select the Lea County dropdown and look in the section for each facility for the EPA Order.

Frac Cat Compressor Station Hearing on December 18, 2023, beginning at 9:00 a.m.

A petition was filed with the U.S. Environmental Protection Agency ("EPA") requesting objections to certain portions of the Frac Cat Operating Permit ("Frac Cat Petition"). On November 16, 2022, the EPA Order was issued which granted Claim II and Claim III of the Frac Cat Petition.

For Claim II, EPA required that the Frac Cat Operating Permit and/or permit record be revised to (1) remove the erroneous suggestion that the National Ambient Air Quality Standards were "applicable requirements" for a Title V operating source; (2) clarify whether 20.2.72.208(D) NMAC is an applicable requirement with which a Title V source must comply; and (3) clarify whether modeling was conducted for ground level ozone or its precursors for the underlying Frac Cat construction permits.

For Claim III, EPA required that the Frac Cat Operating Permit be revised to specify the monitoring requirements that ensure compliance with the 10 ton per year emission limit on VOCs from SSM events (startup, shutdown and maintenance). The EPA Order also required that the permit include the methodology used to calculate total VOC emissions and specify whether the VOC emissions calculation was based upon a worst-case scenario.

Pursuant to 20.2.70.405(A)(2) NMAC, the hearing on the operating permit for the Frac Cat Compressor Station will only consider information relevant to resolving the above issues as more fully set forth in the EPA Order issued November 16, 2022.

Big Lizard Compressor Station Hearing on December 18, 2023, beginning at 1:00 p.m.

A petition was filed with the EPA requesting objections to certain portions of the Big Lizard Compressor Station Operating Permit ("Big Lizard Petition"). On November 16, 2022, the EPA Order was issued which granted Claim II and Claim III of the Big Lizard Petition.

For Claim II, EPA required that the Big Lizard Operating Permit and/or permit record be revised to (1) clarify whether 20.2.72.208(D) NMAC is an applicable requirement with which a Title V source must comply; and (2) clarify whether modeling was conducted for ground level ozone or its precursors for the underlying Big Lizard construction permits.

For Claim III, EPA required that the Big Lizard Operating Permit be amended to specify the monitoring requirements that ensure compliance with the 10 ton per year emission limit on VOCs from SSM events (startup, shutdown and maintenance). The EPA Order also required that the permit include the methodology used to calculate total VOC emissions and specify whether the VOC emissions calculation was based upon a worst-case scenario.

Pursuant to 20.2.70.405(A)(2) NMAC, the hearing on the operating permit for the Big Lizard Compressor Station will only consider information relevant to resolving the above issues as more fully set forth in the EPA Order issued November 16, 2022.

Summary

Upon receipt of the EPA Order, NMED Air Quality Bureau (“AQB”) reopened the issued Title V Operating Permits for the Frac Cat Compressor Station and Big Lizard Compressor Station. AQB proposed revisions to both permits as directed by EPA and is now proposing the revised draft permits to incorporate those revisions. These revisions will clarify the applicable requirements to which each source is subject and impose monitoring conditions that ensure compliance with the 10 ton per year volatile organic compound emission limits during startup, shut down, and maintenance events. The revised monitoring conditions also impose clear requirements to track the number of venting events per year and state the methodology to be used to calculate volatile organic compound emissions from startup, shut down, maintenance and malfunction emissions. These changes will bring the facilities’ operating permits into compliance with the Clean Air Act.

Any person may review the permit applications, associated documents, and the reopened and revised draft permits on NMED’s public notice website under the Lea County dropdown, in the link for each permit application listed by company and facility name. NMED’s public notice website is at www.env.nm.gov/public-notices-2/. Be advised that draft permits are subject to revision up to the end of the hearing when the record will be closed.

The hearing will be conducted in accordance with the Environment Department Permitting Procedures, 20.1.4 NMAC, the procedures in Air Quality Operating Permits, 20.2.70 NMAC, and other applicable hearing procedures.

For further information, or for a copy of any Draft Permit or Application in these matters, contact Melinda Owens at the New Mexico Environment Department Air Quality Bureau at (505) 629-8504, Melinda.owens@env.nm.gov, or the Air Quality Bureau Office located at 525 Camino de los Marquez Suite 1, Santa Fe, New Mexico 87505.

PROVIDING NON-TECHNICAL OR GENERAL PUBLIC COMMENT

The Hearing Officer will accept non-technical or general public comment in writing prior to the beginning of the hearings or in writing or verbally during the hearings while the hearing records are open. Members of the public who wish to provide non-technical or general comment are encouraged to submit their comments in writing by using NMED's Public Comment Portal, including relevant evidence, data, views, arguments, written statements in lieu of oral testimony at the hearing, or public comment. Access the Public Comment Portal via a link on the Department's docketed matters web page www.env.nm.gov/opf/docketed-matters/. Look under the Environment Department Cabinet Secretary dropdown for Air Quality Bureau 23-70 or 23-71 Targa Northern Delaware, LLC. The direct links to the Public Comment Portal for these two facilities is:

AQB 23-70 Frac Cat: <https://nmed.commentinput.com/?id=aC4u58Pm9>; and

AQB 23-71 Big Lizard: <https://nmed.commentinput.com/?id=PT89js3NA>.

If a person has difficulty using the Public Comment Portal, please contact the Office of Public Facilitation:

Madai Corral, Paralegal/Hearing Clerk

Madai.Corral@env.nm.gov

505-490-5803

Verbal non-technical testimony or general comment specific to each reopened and revised draft permit will be accepted at each hearing while the record is open. Individuals intending to provide non-technical testimony or general public comment shall notify the WebEx host through the chat feature and they will be sworn in at various times during each hearing to provide their testimony. Individuals wishing to comment on the Frac Cat reopened and revised draft permit will be able to do so while that hearing is being conducted, as allowed by the Hearing Officer. Similarly, individuals wishing to comment on the Big Lizard reopened and revised draft permit will be able to do so while that hearing is being conducted, as allowed by the Hearing Officer.

In addition, there will be a scheduled opportunity to give non-technical testimony or general public comment at 11:00 A.M. MST on December 18, 2023. Members of the public will have up to five (5) minutes to offer non-technical testimony or general comment per individual; written comment is unlimited. All comments about the Frac Cat Compressor Station draft reopened and revised permit will be taken first, beginning at 11 a.m. When all Frac Cat comments have been received, all comments about the Big Lizard Compressor Station draft reopened and revised permit will be taken.

ENTRY OF APPEARANCE

Any person who wishes to be a party in this proceeding must file with the Hearing Clerk at the below address an Entry of Appearance on or before November 30, 2023. A timely Statement of Intent to Present Technical Testimony shall be considered an Entry of Appearance if the person filing such statement has not previously filed a separate Entry of Appearance. A separate Entry of Appearance will be required for each hearing. The Entry of Appearance must identify the person filing the entry of appearance.

A person's failure to file a timely Statement of Intent or Entry of Appearance substantially complying with these requirements shall preclude the person from becoming a party but shall not preclude a person from presenting written or oral non-technical testimony or general public comments.

STATEMENT OF INTENT TO PRESENT TECHNICAL TESTIMONY

Any person who intends to present technical evidence or technical testimony at either public hearing must file a Statement of Intent to Present Technical Testimony with the Hearing Clerk on or before November 30, 2023 and serve an electronic copy of the foregoing on all other parties. The Statement of Intent must be filed with the Hearing Clerk at the following email:

Madai Corral
Paralegal/Hearing Clerk
New Mexico Environment Department
1190 St. Francis Drive
P.O. Box 5469
Santa Fe, New Mexico 87502
(505) 490-5803
Madai.Corral@env.nm.gov

For each hearing, the Statement of Intent to Present Technical Testimony shall: (i) identify the person filing the statement; (ii) state whether the person filing the statement supports or opposes the Draft Re-Proposed Permit; (iii) identify each witness, including name, address, affiliation(s), and educational and work background; (iv) estimate the length of the direct testimony of each witness; (v) identify all exhibits which are part of the Record Proper and, for exhibits not part of the Record Proper, attach a copy; (vi) list or make available all technical materials relied upon by each witness in making the statement of technical fact or opinion contained in his or her direct testimony; and (vii) attach a complete narrative of the direct testimony of each witness, stating any opinion(s) to be offered by such witness, and an explanation of the basis for such opinion(s).

Any rebuttal to a Statement of Intent may be made at the hearing.

Failure to file a timely and complete Statement of Intent will preclude a person from presenting technical evidence or testimony sought to be offered at each hearing. All exhibits must be properly marked to be accepted, including the hearing for which the statement is offered, the party name and exhibit number on the top or bottom of the exhibit, and include consecutively numbered pages.

ARRANGEMENTS FOR PERSONS REQUIRING AID TO PARTICIPATE

If anyone needs a Spanish interpreter at the hearing, other assistance, another type of interpreter, or auxiliary aid to participate in the hearing, the Bureau must be notified no later than December 4, 2023, 2 weeks before the hearing. Otherwise, there will not be a Spanish interpreter or other assistance, other type of interpreter or auxiliary aid at the virtual hearing.

If any person requires Spanish interpretation, please contact Dawn Romero at the New Mexico Environment Department Air Quality Bureau at (505) 629-3395, dawn.romero@env.nm.gov or

the Air Quality Bureau Office located at 525 Camino de los Marquez Suite 1, Santa Fe, New Mexico 87505 by December 4, 2023.

If any person requires other assistance, another type of interpreter, or auxiliary aid to participate in the hearing, please contact Melinda Owens at the New Mexico Environment Department Air Quality Bureau at (505) 629-8504, Melinda.owens@env.nm.gov or the Air Quality Bureau Office located at 525 Camino de los Marquez Suite 1, Santa Fe, New Mexico 87505 by December 4, 2023. TDD or TDY users may access this number via the New Mexico Relay Network at 1-800-659-8331.

NOTICE OF NON-DISCRIMINATION

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kate Cardenas, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. You may also visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.